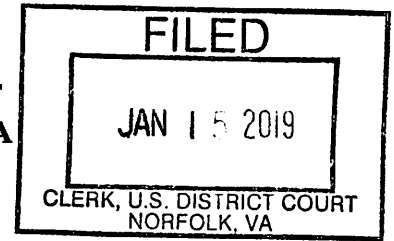


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division



UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 4:02cr2

MONTY MARSHALL,

Defendant.

**ORDER**

This matter is before the Court on its own Motion to Reduce the Sentence of Monty Marshall ("Defendant") pursuant to 18 U.S.C. § 3582(c). Section 3582(c)(2) provides:

[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in [18 U.S.C. § 3553] to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

Id. In December 2018, Congress passed the "First Step Act," Pub. L. 115-391, 132 Stat 015 (2018).

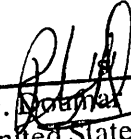
As relevant here, the First Step Act makes sections two and three of the 2010 Fair Sentencing Act retroactively applicable to offenses committed before August 3, 2010. See id. at Title IV § 404(a).

Upon consideration of the First Step Act, the Fair Sentencing Act of 2010, and the Sentencing Guidelines, it appears that Defendant may be eligible for a reduced prison sentence under the First Step Act. Accordingly, the United States Probation Office is **DIRECTED** to file an amended Presentence Investigation Report reflecting Defendant's revised Sentencing

Guidelines calculation, if any, under the First Step Act within twenty-one (21) days of the entry of this Order. The United States Attorney's Office is **DIRECTED** to file objections or opposition, if any, within seven (7) days of receipt of service of the amended Presentence Investigation Report.

The Clerk is **DIRECTED** to deliver a copy of this Order to Defendant, the United States Attorney's Office, and to the United States Probation Office.

It is so **ORDERED**.

  
\_\_\_\_\_  
Robert G. Morgan  
Senior United States District Judge  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
January 12, 2019